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August 22, 2000

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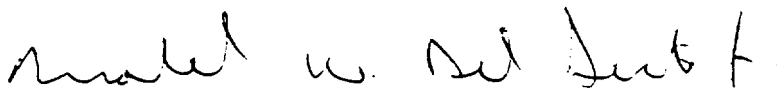
**Re: File No. NSD-L-00-95; CC Docket 96-98;
Reply Comments of RCN Telecom Services, Inc.**

Dear Secretary Salas:

On behalf of RCN Telecom Services, Inc. ("RCN"), enclosed please find an original and four (4) copies of RCN's reply comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrent with this filing, RCN is submitting two (2) copies of its reply comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Enclosure

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	File No. NSD-L-00-95
New Jersey Board of Public Utilities)	
Petition for Delegated Authority to)	
Implement Number Conservation)	CC Docket No. 96-98
Measures)	

**REPLY COMMENTS OF
RCN TELECOM SERVICES, INC.**

RCN Telecom Services, Inc. ("RCN") by undersigned counsel and pursuant to the Common Carrier Bureau's July 7, 2000 Public Notice,¹ submits its reply comments in the above-captioned proceeding. RCN devotes these reply comments to supporting the position espoused by various commenting parties. In particular, RCN joins the comments of Focal Communications Corporation ("Focal"), Sprint Corporation ("Sprint"), and the United States Telecom Association ("USTA") in opposing the implementation of number rationing for a period of six (6) months following the implementation of a new area code relief plan.

I. Introduction

In its comments, RCN conditionally supported the Board's petition for delegated authority from the Federal Communications Commission ("Commission") to implement number rationing for a period of six (6) months following the implementation of area code relief. RCN's support rested on the Commission adopting certain safeguards in delegating such authority to the Board. RCN

¹ *Common Carrier Bureau Seeks Comment on the New Jersey Board of Public Utilities Petition for Delegated Authority to Implement Number Conservation Measures*, NSD File No. L-00-95, Public Notice, DA 00-1508 (rel. July 7, 2000).

suggested that the Commission grant the Board the ability to deviate from the rationing plan if a carrier provided proof of a special need. Further, RCN's support hinged on the ability of the carrier to appeal to the Common Carrier Bureau for expedited relief from a decision by the Board to assign numbering resources outside of the rationing plan if the carrier thought the Board was acting inequitably.² For the reasons detailed below, RCN believes that it is premature to grant the Board the authority to engage in number resource rationing, regardless of any safeguards imposed on the Board.

II. The Commission Should Not Allow the New Jersey Board to Ration Numbers for Six Months Following the Implementation of Area Code Relief

As noted in Focal's comments, rationing may prevent carriers from receiving the codes that are needed in order to provide service.³ By limiting carriers access to numbering resources, rationing threatens to negatively impact competition as new carriers are unable to obtain the resources they need. Further, rationing is not a number conservation measure but rather a means to artificially slow the demand for numbering resources.⁴ Given the negative impact of rationing on competition, rationing should not be allowed except in special circumstances.

While the Board is correct in noting that the Commission granted both the Florida Public Service Commission and the Massachusetts Department of Telecommunications and Energy the authority to leave rationing in place for a period of six (6) months following the implementation of

² See *RCN's Comments*, at pp. 4-5

³ See *Focal's Comments*, at pp. 2-3.

⁴ See *Sprint's Comments*, at p. 3, n.9.

area code relief,⁵ circumstances have changed since the Commission delegated such authority. Most importantly, the Commission has adopted new rules governing the distribution of numbering resources.⁶ Under the new rules adopted by the Commission, carriers must verify their need in order to obtain both initial and growth numbering codes. Carriers receive initial codes if the carrier is able to provide service within sixty (60) days of activating the numbering resources. Growth codes are distributed to carriers that have no more than a six-month supply of numbering codes.⁷ The Commission further determined that carriers should receive numbering resources on a “first-come, first-served basis.”⁸ Thus, carriers receiving numbering resources are subject to a regime that requires an extensive demonstration of need. To further restrict the ability of carriers to obtain numbering resources through the use of rationing procedures threatens to severely restrict the ability of both new market entrants and other competitive providers to provide innovative services and to respond to the demands of the marketplace.

Aside from the negative impact on competition, it is inconsistent with the new rules to assign numbering resources through the use of a lottery. As set out above, numbering resources are distributed on a needs basis. Since rationing does not provide carriers that have demonstrated the requisite level of need with numbering resources but instead only with the chance to receive such

⁵ See *New Jersey Board's Petition*, at p. 4.

⁶ See *In the Matter of Numbering Resource Optimization*, CC Dkt. No. 99-200, FCC 00-104, *Report and Order and Further Notice of Proposed Rulemaking*, ¶¶ 88-91 (rel. March 31, 2000) (“*Numbering Order*”).

⁷ See 47 C.F.R. § 52.15 (2000).

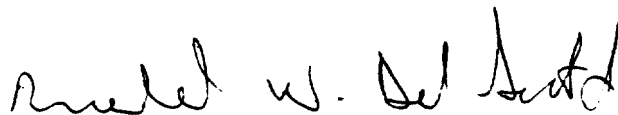
⁸ *Id.* at ¶ 92.

resources, it is inconsistent with the Commission's rules to allow the Board to assign numbers in this manner.⁹

III. Conclusion

For the reasons set out above, RCN respectfully asks that the Commission not provide the Board with the authority to maintain rationing procedures for a period of six (6) months following the implementation of area code relief. Rather than allowing the Board to deviate from the new numbering rules prior to evaluating their efficacy, the Commission should reject the Board's request for such authority.

Respectfully submitted,



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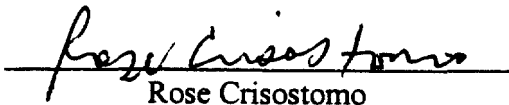
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Dated: August 22, 2000

⁹ See *Sprint's Comments*, at p. 3.

CERTIFICATE OF SERVICE

I, **Rose Crisostomo**, hereby certify that on August 22, 2000 the foregoing document was served on the individuals listed on the following service list by first-class U.S. Mail (or by overnight delivery/hand-delivery, as marked*).


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